## For the Northern District of California

| IN THE UNITED STATES DISTRICT COURT    |    |
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| FOR THE NORTHERN DISTRICT OF CALIFORNI | ſΑ |

| RICKY A. HAND,          | No. C 11-06410 EJD (PR)   |
|-------------------------|---|
| Petitioner,<br>vs.      | ORDER GRANTING MOTION FOR RECONSIDERATION; VACATING JUDGMENT AND REOPENING CASE; GRANTING MOTION FOR LEAVE TO |
| GARY SWARTHOUT, Warden, | PROCEED IN FORMA PAUPERIS   |
| Respondent.             |   |

Petitioner, a state prisoner, filed a <u>pro</u> se petition for a writ of habeas corpus. On February 22, 2012, the Court dismissed the instant action for failure to pay the filing fee. (See Docket No. 4.)

After the case was closed, Petitioner filed a letter on March 26, 2012, indicating that he had been confused about his deadlines and requesting an extension of time to proceed with this habeas action. (Docket No. 6.) The Court granted Petitioner an extension of time to file a motion for reconsideration. (Docket No. 7.) On April 27, 2012, Petitioner filed another letter which the Court construed as a motion for reconsideration. The Court advised Petitioner that it would not reopen this action until Petitioner had completed his IFP application by filing a Certificate of Funds in Prisoner's Account completed and signed by an authorized prison

| official. (Docket No. 10.) Petitioner has filed the necessary documents to complete   |
|---|
| his IFP application. (See Docket No. 11.) Accordingly, Petitioner's motion for        |
| reconsideration and motion for leave to proceed <u>in forma pauperis</u> are GRANTED. |
| The Judgment entered on February 2, 2012, (Docket No. 5) is VACATED.                  |
| The Court will conduct an initial review of the petition in a separate order.         |
| The Clerk shall reopen the file.  |
|   |

| DATED:10/5 | 10/5/2012 | EQU O Wash                   |
|------------|-----------|------------------------------|
|            |           | EDWARD J. DAVILA             |
|            |           | United States District Judge |

## UNITED STATES DISTRICT COURT

## FOR THE

## NORTHERN DISTRICT OF CALIFORNIA

| RICKY A HAND,   | Case Number: CV11-06410 EJD   |  |
|---|---|--|
| Petitioner,   | CERTIFICATE OF SERVICE  |  |
| v.  |   |  |
| GARY SWARTHOUT, Warden,   |   |  |
| Respondent.   |   |  |
| I, the undersigned, hereby certify that I Court, Northern District of California.         | am an employee in the Office of the Clerk, U.S. District  |  |
| attached, by placing said copy(ies) in a  | , I SERVED a true and correct copy(ies) of the postage paid envelope addressed to the person(s) avelope in the U.S. Mail, or by placing said copy(ies) into the the Clerk's office. |  |
| Ricky A. Hand G-07185<br>CSP Solano State Prison<br>P. O. Box 4000<br>Vacaville, CA 95696 |   |  |
| Dated: 10/9/2012  | Richard W. Wieking, Clerk /s/By: Elizabeth Garcia, Deputy Clerk   |  |